

EXHIBIT A

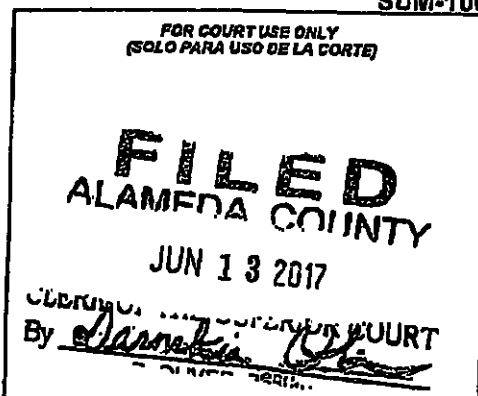


SUM-100

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
DR. PEPPER SNAPPLE GROUP, INC.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
KEYLYNN MORGAN



NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Lo han demandado. Si no respondo dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida el acatamiento de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): RENE C DAVIDSON COURT HOUSE
1225 FALLON STREET, OAKLAND, CA 94612

CASE NUMBER
(Número del caso):

17863757

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
ALAN J REINACH, 2686 TOWNSGATE ROAD, WESTLAKE VILLAGE, CA 91361-805-413-7398
Chad Finke

DATE: June 12, 2017

(Fecha) JUN 13 2017

Clerk, by
(Secretario)

[Signature]

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

- under:
- | | |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.80 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

- ☐ by personal delivery on (date):



1 Alan J. Reinach, State Bar No. 196899
2 CHURCH STATE COUNCIL
3 ajreinach@churchstate.org
4 2686 Townsgate Road
5 Westlake Village, CA 91361
6 805-413-7398
7 Fax: 805-497-7099

8 *Counsel for Plaintiff Teresa Brown*

FILED
ALAMEDA COUNTY

JUN 18 2017

CLERK OF THE SUPERIOR COURT
By *[Signature]*
B. OLIVER, Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

9 **Keylynn Morgan,**

10 **Plaintiff,**

11 **v.**

12 **Dr. Pepper Snapple Group, Inc.**

13 **Defendant.**

Case No.

Complaint

Rb 17863737

1. Religious Discrimination, in violation of Fair Employment and Housing Act
2. Failure to Provide Religious Accommodation, in violation of Fair Employment and Housing Act

Jury Trial Demand

Parties

1. Plaintiff Keylynn Morgan is, and was at all relevant times, a California resident.
2. Defendant Dr. Pepper Snapple Group, Inc. is a corporation duly registered to conduct business in the State of California, and an employer as defined by the California Government Code.

Jurisdiction and Venue

3. This Court has jurisdiction under California's Fair Employment and Housing Act, as the Department and its acts or omissions are covered as employer acts or omissions under that statute. (See Gov. Code §§ 12926 subd. (d) & 12965, subd. (b).)

1 4. Mr. Morgan has met the jurisdictional prerequisites, as he filed a timely administrative
2 complaint with the United States Equal Employment Opportunity Commission and the
3 California Department of Fair Employment and Housing, and received a "right-to-sue" letter,
4 and files this action within one (1) year of the issuance of the right-to-sue.
5

6 5. Venue is proper because Alameda is the county where Plaintiff was employed, and where
7 the unlawful practice was committed.

8 6. Plaintiff demands a jury trial.

9 **Statement of Facts**

10 7. Plaintiff Keylynn Morgan is a Seventh-day Adventist, who observes a religious Sabbath
11 from sundown Friday to sundown Saturday.
12

13 8. One of the important teachings of the Seventh-day Adventist Church is to observe the
14 Sabbath as a day of rest during which secular work is not to be performed. Seventh-day
15 Adventists believe that the obligation to refrain from secular work on the Sabbath was
16 established by the Creator, not by the church, and that individuals are responsible to God for
17 their obedience or disobedience.
18

19 9. Sabbath observance is important to Seventh-day Adventists for many reasons, including: 1)
20 that God rested on the Sabbath after He created the world and He reminds man to observe the
21 Sabbath in the Ten Commandments in honor of Him as the creator [See Genesis 2:2-3; Exodus
22 20:8-11; Jeremiah 17:22]; and 2) that Jesus rested on the Sabbath when He came to show man
23 how to live and after He redeemed mankind by His death He asks mankind to observe the
24 Sabbath as a sign that mankind is sanctified from sin [See Exodus 31:13; Isaiah 56:2; Ezekiel
25 20:12-20; Mark 15:42-44; Luke 23:54-56; and John 19:31].
26

27 10. Unlike many other Christian churches, members of the Seventh-day Adventist Church
28

1 celebrate the Sabbath from sundown on Friday until sundown on Saturday in order to be
2 obedient to all Ten Commandments.

3 11. Observance of the Sabbath is reflected in the name of the church, i.e., "Seventh-day," and
4 is included among the church's fundamental beliefs, listed as number 20:

5
6 The beneficent Creator, after the six days of Creation, rested on the seventh day
7 and instituted the Sabbath for all people as a memorial of Creation. The fourth
8 commandment of God's unchangeable law requires the observance of this seventh-
9 day Sabbath as the day of rest, worship, and ministry in harmony with the teaching
10 and practice of Jesus, the Lord of the Sabbath. The Sabbath is a day of delightful
11 communion with God and one another. It is a symbol of our redemption in Christ, a
12 sign of our sanctification, a token of our allegiance, and a foretaste of our eternal
13 future in God's kingdom. The Sabbath is God's perpetual sign of His eternal
14 covenant between Him and His people. Joyful observance of this holy time from
15 evening to evening, sunset to sunset, is a celebration of God's creative and
16 redemptive acts. (Gen. 2:1-3; Ex. 20:8-11; Luke 4:16; Isa. 56:5, 6; 58:13, 14; Matt.
17 12:1-12; Ex. 31:13-17; Eze. 20:12, 20; Deut. 5:12-15; Heb. 4:1-11; Lev. 23:32;
18 Mark 1:32.)

19 12. Morgan was hired by Defendant and began working as a Merchandiser on or about
20 February 22, 2016.

21 13. When he was hired, Morgan promptly notified his supervisors that he is not available to
22 work on Saturdays, due to his religious observance of Sabbath. He requested a modified work
23 schedule so that he could maintain full time hours.

24 14. Defendant refused to give Morgan a modified work schedule, and terminated his
25 employment on March 28, 2016, about a month after he began work.

26 15. Defendant issued Morgan a letter of termination citing his poor attendance record as the
27 basis of his termination. Although the letter was inaccurate in identifying Morgan's attendance
28 record, it did cite to at least two (2) of the Saturdays Morgan did not work – he did not work any
of the Saturdays – as well as his absence due to a car accident.

1 16. Defendant terminated Morgan because he did not work on Saturdays in violation of his
2 religious belief.

3 **First Cause of Action:**
4 **Religious Discrimination/Disparate Treatment/Failure to Accommodate**
5 **Gov. Code §12940, subd. (a)**

6 17. Plaintiff incorporates by reference the allegations in the preceding paragraphs.

7 18. At all times herein mentioned, Defendant was subject to Government Code § 12940 et
8 seq. as it regularly employed five (5) or more persons.

9 19. Government Code § 12940, subdivision (a) provides that it is an unlawful employment
10 practice for an employer or any other person, because of religion to discriminate against an
11 employee in compensation or in terms, conditions, or privileges of employment.

12 20. Government Code § 12940, subdivisions (l) and (m) further provides that it is unlawful to
13 discriminate against a person based on religion unless the employer demonstrates that it has
14 *"explored any available reasonable alternative means of accommodating the religious belief,*
15 *but is unable to reasonably accommodate the religious belief without undue hardship."*
16

17 21. PLAINTIFF requested accommodation for his religion – Seventh-day Adventist – and his
18 religious observance of the Sabbath, from sundown Friday to sundown Saturday.
19

20 22. Defendant discriminated against Plaintiff by denying him religious accommodation and
21 terminating his employment.

22 23. Plaintiff's need for religious accommodation was a substantial motivating factor in
23 Defendant's decision to terminate him.

24 24. As a direct and proximate result of the discriminatory actions of Defendant, as alleged
25 herein, Plaintiff has suffered harm in the form of past and future lost wages and benefits and
26 other pecuniary loss, plus interest thereon.
27
28

1 30. Plaintiff's requests for religious accommodation for his Sabbath observance constitute
2 protected activities under FEHA.

3 31. Defendant retaliated against Plaintiff by terminating him on account of his requesting
4 religious accommodation.

5 32. As a direct and proximate result of the retaliatory actions of Defendant, as alleged herein,
6 Plaintiff has suffered harm in the form of past and future lost wages and benefits and other
7 pecuniary loss, plus interest thereon.

8 33. As a further direct and proximate result of Defendant's retaliatory actions against
9 Plaintiff, as alleged above, Plaintiff has been harmed in that he has suffered humiliation, mental
10 anguish, and emotional and physical distress, in an amount according to proof.

11 34. The conduct complained of herein was carried out by directors, officers or managing
12 agents of Defendant, and was done with malice, oppression or fraud. Specifically, Defendant
13 knew that retaliation is unlawful and harmful to Plaintiff and to the public. Despite this,
14 Defendant intentionally retaliated against Plaintiff in a manner that was cold, callous, cruel and
15 despicable. Accordingly, Plaintiff seeks exemplary and punitive damages in an amount
16 according to proof at trial, but no less than an amount sufficient to punish Defendant and set an
17 example in order to deter such malicious and despicable conduct in the future.

18 35. California Code of Civil Procedure § 1021 provides that attorney's fees are recoverable
19 in an action for which they are specifically provided by statute. Plaintiff seeks an award of
20 reasonable attorney's fees and costs, pursuant to Government Code § 12965(b), based on an
21 appropriate lodestar rate, together with a multiplier as this court deems just and proper.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alan J. Reinach, Esq. SBN 196899 Church State Council 2686 Townsgate Road, Westlake Village, CA 91361 TELEPHONE NO.: 805-413-7398 FAX NO. (Optional): 805-497-7099 E-MAIL ADDRESS (Optional): ajreinach@churchstate.org ATTORNEY FOR (Name): Keylynn Morgan		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson		
PLAINTIFF/PETITIONER: Keylynn Morgan DEFENDANT/RESPONDENT: Dr. Pepper Snapple Group, Inc.		CASE NUMBER: RG17863787
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 00075

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
- a. ☒ summons
- b. ☒ complaint
- c. ☐ Alternative Dispute Resolution (ADR) package
- d. ☐ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ cross-complaint
- f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
- Dr. Pepper Snapple Group, Inc.
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: CT Corporation System (Registered agent for service of process).
818 West Seventh Street, Suite 930, Los Angeles, CA 90017
5. I served the party (check proper box)
- a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
- b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Keylynn Morgan	CASE NUMBER: RG17863787
DEFENDANT/RESPONDENT: Dr. Pepper Snapple Group, Inc.	

5. c. ☒ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid,
- (1) on (date): June 19, 2017 (2) from (city): Westlake Village,
- (3) ☒ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Loritha McDuffie
- b. Address: Church State Council, 2686 Townsgate Road, Westlake Village, CA 91361
- c. Telephone number: 805-413-7396
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: June 19, 2017

Loritha McDuffie

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

TO (insert name of party being served): Dr. Pepper Snapple Group, Inc. by CT Corporation

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

(SIGNATURE OF SENDER—MUST NOT BE A PART IN THIS CASE)

1. ☐ A copy of the summons and of the complaint.

2. ☐ Other (specify):

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 560 Mission Street, 31st Floor, San Francisco, California 94105. On July 25, 2017, I served the within document(s):

NOTICE AND ACKNOWLEDGEMENT OF RECEIPT - CIVIL

- ☐ I sent such document from facsimile machines (415) 397-8549 on July 25, 2017. I certify that said transmission was completed and that all pages were received and that a report was generated by said facsimile machine which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below.
- ☐ by personally arranging for delivery of the document(s) listed above by messenger to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed envelope or package provided by an overnight delivery carrier with postage paid on account and deposited for collection with the overnight carrier at San Francisco, California, addressed as set forth below.
- ☐ by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.
- ☐ electronically by using the Court's ECF/CM System.

Alan J. Reinach, Esq.
Church State Council
2686 Townsgate Road
Westlake Village, CA 91361

Tel: (805) 413-7398
Fax: (805) 497-7099
Email: ajreinach@churchstate.org

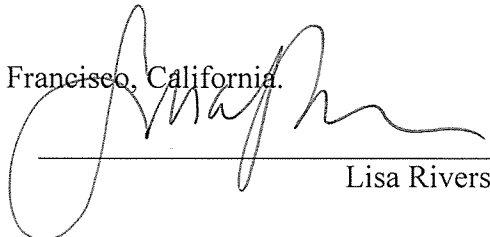
Counsel for Plaintiff

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 25, 2017, at San Francisco, California.



Lisa Rivers